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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,351	08/23/2001	Eric Schneider		8392

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/28/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/682,351

**Applicant(s)**

SCHNEIDER, ERIC

**Examiner**

Ashok B. Patel

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Application Number 09/682, 351 was filed on 08/23/2001 with priority date of 03/22/1999. Claims 1-20 are subject to examination.
2. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- a. Claim 8 recites the limitation "during" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tan et al. (hereinafter Tan)(US 6, 314, 469).

**Referring to claims 1, 17, 18, 19, 20,**

The reference teaches determining that an identifier includes a fictitious name (FDN), (col.9, lines 53-60); and requesting a network resource from at least a portion of said identifier. (The reference defines the portion. Col.9, lines 7-10). The reference teaches that the resource cannot be located from first identifier (identifier in native language) then further it generates a second identifier (translating the Chinese domain name into a format that can be used with a conventional DNS server) and locates the resource by second identifier. It also teaches that the FDN from identifier is resolvable in the DNS, and teaches to locate and access resource from the identifier (col. 9, lines 39-67 and col.10, lines1 -7).

**Referring to claim 2,**

The reference teaches determining that said identifier includes said FDN includes the step of determining that said identifier includes a domain name that is not a valid name (VDN). (col. 2, lines 9-17, and col. 9, lines 53-60).

**Referring to claim 3,**

The reference teaches determining that identifier includes FDN includes the step of determining that the identifier includes domain name having at least one domain level alias. (The reference teaches that the iDNS server recognizes that the domain name is not in a format that can be handled by a conventional DNS server. Col. 9. lines 55-57).

**Referring to claim 4,**

The reference Tan teaches FDN (col.9, lines 53-60) and the process of determining whether HLD is resolvable and the necessity of including higher level domain to resolve the DNS query. (col.12 lines 27-67 and col.13, lines 1- 64).

**Referring to claim 11,**

The reference teaches HLD as being multilingual in response to determining that HLD is not resolvable. (Col.9, lines 28-37 and lines 53-57).

**Referring to claim 12,**

The reference teaches HLD is multilingual and is representation of HLD is denoted in a character set other than that of a limited 7-bit ASCII character set. (col.2, lines 56-59 and col.9, lines 39-48).

**Referring to claims 13, 14,15, and 16,**

The reference teaches resolvable TLD is a MTLD which is a RMDN which is processed (col.12, lines 34-49), and HLD that is determined not a representation of a resolvable

TLD is a MTLDA which is a FMDN which is further processed to generate RMDN and then the generated RMDN is processed. (col.12, lines 49-67 and col. 13, lines 1-20).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6-8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan et al. (hereinafter Tan)(US 6,314,469) in view of Zhang et al. (hereinafter hang) (US 6,324,585).

**Referring to claim 5,**

The reference Tan teaches FDN (col.9, lines 53-60) and the process of determining whether HLD is resolvable and the necessity of including higher level domain to resolve the DNS query. (col.12 lines 27-67 and col.13, lines 1- 64). The reference fails to teach the comparison of DNS request (HLD) with the list of the resolvable TLDs. The reference Zhang teaches the resolution of the DNS request (HLD) by comparing it to a list of resolvable TLDs. (col. 5, lines 6-13). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Tan with Zhang to have a list of the resolvable TLDs available and have the ability to compare the HLDs to the list of resolvable TLDs to request and access the network resource

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since recursive searching through DNS servers can be very time consuming and traffic intensive.

**Referring to claims 6, 7 and 8,**

The reference Tan teaches FDN (col.9, lines 53-60) and the process of determining whether HLD is resolvable and the necessity of including higher level domain to resolve the DNS query. (col.12 lines 27-67 and col.13, lines 1- 64). The reference fails to teach the comparison of DNS request (HLD) with the list of the resolvable TLDs. The reference Zhang teaches the resolution of the DNS request (HLD) by comparing it to a list of resolvable TLDs without processing a DNS query, before processing DNS query, and after processing DNS query (The gateway also maintains the listing of the DNS server) with a search function. (col. 4, lines 50-67 and col.5, lines 1-39). The reference also teaches comparing DNS request (HLD) during DNS query to list of TLDs in one of a root zone file and zone file cache by forwarding the HLD request to the largest accessible network unaltered, and thereby teaches to compare HLD to the list of TLDs located in the one of a root zone file and zone file cache. (col. 5, lines 64-67.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Tan with Zhang to have a the flexibility and various options locally available for resolving HLDs, because DNS name space is divided into non-overlapping zones where each zone contains name server holding the authoritative information about that zone which gets its information from a file on its storage device as taught by Tan which can lead to a recursive searching through DNS servers that can be very time consuming and traffic intensive.

**Referring to claims 9 and 10,**

The reference Tan teaches DNS request (HLD), which is resolvable, is a TLD and, which is not resolvable, is a TLDA. (col. 1, lines 56-67 and col. 2, lines 1-17). The reference also teaches a valid domain name having a resolvable TLD is a real domain name (RDN) (Fig. 1, element 14, col. 5, lines 34-47).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Abp  
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